



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION  
CITY VIEW PLAZA II, SUITE 7000  
GUAYNABO, PUERTO RICO 00968-8069

JUL 25 2013

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Mr. Fernando Fernández  
President  
Bayamón Acquisition Properties, Inc.  
RR91892  
San Juan, Puerto Rico 00926

**Re: Valley View Park Residential Development  
Administrative Compliance Order  
Docket Number CWA-02-2013-3128  
NPDES Permit Tracking Number PRU002779**

Dear Mr. Fernández:

The United States Environmental Protection Agency, Region 2, has made findings that the Bayamón Acquisition Properties, Inc. ("BAPI") is in violation of the Clean Water Act (33 U.S.C. § 1251 *et seq.*) ("CWA" or "the Act"). Enclosed are two (2) originals of this ORDER, issued pursuant to Section 309 of the Act, which details the findings.

Please be informed that the ORDER requires BAPI to cease and desist the discharge of pollutants into waters of the United States from the Valley View Park Residential Development Sanitary Wastewater Collection System in accordance to the CWA and its National Pollutant Discharge Elimination System ("NPDES").

Failure to comply with the enclosed ORDER may subject BAPI to civil and/or criminal penalties pursuant to Section 309 of the Act. Failure to comply with this ORDER may also subject BAPI to ineligibility for participation in work associated with Federal contracts, grants, or loans.

If you have any questions regarding this matter, please contact Eng. Héctor D. Ortiz of my staff at (787) 977-5883 or Eng. Carlos R. Villafañe, P.E., Acting Chief, Multimedia Permits and Compliance Branch at (787) 977-5858.

Sincerely,

A handwritten signature in blue ink, appearing to read "José C. Font", is written over a horizontal line.

José C. Font, Director  
Caribbean Environmental Protection Division

Enclosures

cc: Wanda García, EQB (w/Order)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

In the Matter of:

**BAYAMÓN ACQUISITON PROPERTIES, INC.**  
RR91892  
San Juan, Puerto Rico 00926

**NPDES Permit Tracking Number PRU002779**

Proceeding pursuant to Sections 308 and  
309(a) of the Clean Water Act, 33 U.S.C.  
§§ 1318 and 1319(a).

**INFORMATION REQUEST AND  
ADMINISTRATIVE  
COMPLIANCE ORDER**

**DOCKET NUMBER  
CWA-02-2013-3128**

**ACKNOWLEDGMENT OF RECEIPT OF  
ADMINISTRATIVE COMPLIANCE ORDER**

I do hereby acknowledge the receipt of a true copy of the Order CWA-02-2013-3128. Pursuant to the signatories' requirements in 40 C.F.R. § 122.22, I certify that I am authorized to sign this acknowledgment.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Title

\_\_\_\_\_  
Signature

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2**

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**BAYAMÓN ACQUISITON PROPERTIES, INC.**  
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**INFORMATION REQUEST AND  
ADMINISTRATIVE COMPLIANCE  
ORDER**

**DOCKET NUMBER  
CWA-02-2013-3128**

**I. PRELIMINARY STATEMENT**

1. This Information Request and Administrative Compliance Order (together the "Order") are issued pursuant to the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) pursuant to Sections 308 and 309 of the Clean Water Act ("CWA" or the "Act"), 33 U.S.C. §§ 1318 and 1319.
2. The Administrator has delegated the authority to take these actions to the Regional Administrator of Region 2, who, in turn, has delegated such authority to the Director of the Caribbean Environmental Protection Division.

**II. STATUTORY AND REGULATORY AUTHORITIES**

3. Section 301(a) of the Act, 33 U.S.C. § 1311(a), provides in part that "[e]xcept as in compliance with [CWA Section 402], the discharge of any pollutant by any person shall be unlawful."
4. Section 402 of the Act, 33 U.S.C. § 1342, defines the National Pollutant Discharge Elimination System (NPDES) as the national program for, among other things, issuing and enforcing permits.
5. Section 402(a)(1) of the Act, 33 U.S.C. § 1342(a)(1), provides that "the Administrator may, after opportunity for public hearing, issue a permit for the discharge of any pollutant. . . . upon condition that such discharge will

meet . . . such requirements as the Administrator determines are necessary to carry out the provisions of the [Act].”

6. The Act and its implementing regulations contain the following definitions:

- a. “discharge of a pollutant” as any addition of any pollutant to navigable waters and/or waters of the United States from any point source. Section 502(12) of the Act, 33 U.S.C. § 1362(12), and 40 C.F.R. § 122.2;
- b. “facility,” as any NPDES point source or any other facility or activity (including land or appurtenances thereto) that is subject to the regulations of the NPDES program. 40 C.F.R. § 122.2;
- c. “navigable waters” as the waters of the United States, including the territorial seas. Section 502(7) of the Act, 33 U.S.C. § 1362(7); “Waters of the United States” means all waters such as lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, among others, and their tributaries. 40 C.F.R. § 122.2;
- d. “owner” or “operator” as the owner or operator of any Facility or activity subject to regulation under the NPDES program. 40 C.F.R. § 122.2;
- e. “person” as an individual, corporation, partnership or association. Section 502(5) of the Act, 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2;
- f. “point source” as any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. Section 502(14) of the Act, 33 U.S.C. § 1362(14), and 40 C.F.R. § 122.2; and
- g. “pollutant” as including, among others, solid waste, dredged spoil, rock, sand, cellar dirt, sewage, sewage sludge and industrial, municipal and agricultural waste discharged into water. Section 502(6) of the Act, 33 U.S.C. § 1362(6), and 40 C.F.R. § 122.2.

7. Section 308(a)(A) of the Act provides that “[w]henever required to carry out the objective of . . . [CWA Section 402] the Administrator shall require the owner or operator of any point source to (i) establish and maintain such records, (ii) make such reports, (iii) install, use, and maintain such monitoring equipment or methods (including where appropriate, biological monitoring methods), (iv) sample such effluents (in accordance with such



methods, at such locations, at such intervals, and in such manner as the Administrator shall prescribe), and (v) provide such other information as [the Administrator] may reasonably require.”

8. Section 309(a)(3) of the Act provides that “[w]henever on the basis of any information available . . . the Administrator finds that any person is in violation of [CWA Sections 301 and 308], or is in violation of any permit condition or limitation implementing any of such sections in a permit issued under [Section 402 of the Act, the Administrator] shall issue an order requiring such person to comply with such section....”
9. Section 309(a)(5)(A) of the Act provides that “[a]ny order issued under [CWA Section 309] shall state with reasonable specificity the nature of the violation, and shall specify a time for compliance . . . taking into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.
10. EPA is the agency within the Commonwealth of Puerto Rico with authority to administer the federal NPDES program. EPA maintains enforcement authority for violations of the Act and its implementing regulations.

### **III. JURISDICTIONAL STATEMENTS**

11. Bayamón Acquisition Properties, Inc. (“Respondent” or “BAPI”) is a for-profit corporation organized under the laws of the Commonwealth of Puerto Rico. This corporation is registered in the Puerto Rico Department of State under registration number 144976.
12. BAPI is the owner and developer of a project known as “Valley View Park Residential Development” (the “Development”).
13. The Development is located at State Road 796, Km. 1.6, Bairoa Ward, Guasabara Sector, in the city of Caguas, Puerto Rico.
14. The Development consists of 12 individual residential units and recreational facilities.
15. The Development has a storm water conveyance system that includes roads with drainage systems, catch basins, ditches, and storm drains, which are used for collecting and conveying storm water, and for discharge storm water into a nearby water body.
16. The sanitary wastewater generated at the Development is collected via a sanitary collection system and is accumulated in a sanitary wastewater holding tank (the Development does not have a pump station to pump the wastewaters to a Puerto Rico Aqueduct and Sewer Authority’s [“PRASA”] wastewater treatment facility). BAPI is responsible of hauling the sanitary

wastewater accumulated at the sanitary wastewater holding tank into a PRASA wastewater treatment plant (WWTP) or any other permitted facility.

17. BAPI is a person pursuant to Section 502(5) of the Act, 33 U.S.C. § 1362(5).
18. BAPI "discharges pollutants" from the Facility into an Unnamed Creek, tributary of Loíza River, which ultimately discharges into the Atlantic Ocean.
19. The Unnamed Creek, the Loíza River, and the Atlantic Ocean are waters of the United States within the meaning of Section 502(7) of the Act, 33 U.S.C. § 1362(7).
20. BAPI is the owner of the Development, a facility as defined in 40 C.F.R. § 122.2. BAPI is subject to the provisions of the Act, 33 U.S.C. § 1251, et seq., and the applicable NPDES permit application regulations found at 40 C.F.R. Part 122. BAPI was required to apply for and obtain NPDES permit coverage for the Development's discharges of pollutants into waters of the United States pursuant to Section 402(a)(1) of the Act, 33 U.S.C. § 1342(a)(1).

#### IV. FINDINGS OF VIOLATIONS

21. On June 11, 2013, an EPA authorized enforcement officer performed a Reconnaissance inspection (RI) of the Development. The findings of the RI were summarized in the July 23, 2013 inspection report, which was sent to BAPI. A summary of EPA's RI findings are listed below.
  - a. EPA met and interviewed two citizens who are residents of the Development. The citizens alleged the occurrence of sanitary wastewater discharges and the presence of foul odors at the area where the Development's sanitary wastewater collection system's (SWCS) holding tank (e.g., holding container) is located. According to the interviewed citizens, these incidents had been ongoing since the first residence was sold on December 21, 2010.
  - b. The Development's SWCS consists of an underground sanitary wastewater pump station, the holding tank, an unfinished wastewater treatment plant that is not in operation and the drip irrigation system to disperse the treated sanitary wastewater.
  - c. The SWCS's did not have a pump station to convey its wastewater directly to a PRASA WWTP or related facility.

- d. The SWCS's sanitary wastewater underground pump station pumps the Development's wastewater to the holding tank located at Street S at Valley View Village Residential Project (VVV) which is adjacent to the Development.
  - e. VVV is a residential development under construction which has 44 unfinished single residential units. BAPI is the owner and developer of VVV.
  - f. VVV and the Development will share the same SWCS.
  - g. EPA observed that the holding tank was leaking raw sewage onto the ground. It was leaking sanitary wastewater in different areas (i.e. from the top, the side, and from the bottom of the holding tank).
  - h. EPA also observed sanitary wastewater percolating from the sanitary wastewater holding tank and flowing into a nearby Unnamed Creek, tributary of Loíza River.
22. On June 17, 2013, an EPA official performed a review of the EPA Storm Water NOI Processing Center database and the EPA files located at EPA Region 2's Caribbean Environmental Protection Division (the "EPA Reviews") in order to determine if Respondent had obtained NPDES coverage for the Development.
23. The EPA Review revealed that as of such date Respondent had failed to file an individual NPDES permit application, as required by 40 C.F.R. § 122.21, for its discharges of pollutants from the Development into waters of the United States.
24. On June 26, 2013, EPA sent to BAPI a Request for Information (RFI), CEPD-CWA-02-IR-2013-007, to obtain information regarding the Development's SWCS, among other things.
25. BAPI provided its response to the RFI on July 12, 2013. EPA reviewed the response and deemed it to be incomplete. BAPI failed to adequately address and respond to the RFI's questions 7, 8, 9, 11, and 12.
26. As described in Paragraphs 21 through 25, above, EPA has found Respondent to be in violation of the Act and the applicable NPDES regulations for its discharges of pollutants into waters of the United States without NPDES permit coverage.
27. Respondent's violations constitute a violation of Sections 301 and 402 of the Act, the applicable NPDES regulations; therefore, Respondent is subject to an enforcement action under Section 309 of the Act.



## V. REQUESTED INFORMATION

Based on the Findings of Fact and Conclusions of Law, above, and pursuant to the authority of Section 308(a) of the CWA, 33 U.S.C. § 1318(a), Respondent is required to report the following to EPA in writing:

28. That within five (5) calendar days of receipt of this ORDER, Respondent shall submit the following information required by the June 26, 2013 RFI:

- a. RFI QUESTION 7: Provide all the operation and maintenance documents of the sanitary and storm sewer systems since December 2010;
- b. RFI QUESTION 8: Provide the contract between SaniPlant or any other hauler and BAPI in which indicates the hauling agreement for sanitary wastewaters from Valley View Park and Valley View Village Developments into any PRASA wastewater treatment plant;
- c. RFI QUESTION 9: Identify on a current Site Plan the point/ points of filling the hauling truck of sanitary wastewaters from Valley View Park and Valley View Village Developments' sanitary wastewater collection systems;
- d. RFI QUESTION 11: Provide information on how many times per day the hauling truck has been emptied of sanitary wastewater at any PRASA WWTP since December 2010.

BAPI provided the invoices since January 12, 2011 to February 22, 2013. The report shows that SaniPlant provided 1-3 vacuums services per month. EPA calculated the amount of sewage generated by 12 houses as: 12 unit houses X 350 gallons per unit daily = 4200 g/day x 7days/week = 29,000 g/week x 4 weeks = 117,600 g/month.

The holding tank capacity is 10,000 gallons. Accordingly, BAPI will need to provide at least 12 trips per month. BAPI reported a maximum 3 trips per month. There are 9 trips missing per month. BAPI needs to provide evidence of the hauling and treatment of sanitary waste water generated at the Development. The 9 trips are approximately 90,000 gallon/month; and

- e. Provide a legible copy of all the manifests of these hauling activities from Valley View Park and Valley View Village Developments to any PRASA WWTP since December 2010 to present.

29. **That within thirty (30) calendar days of receipt of this ORDER,** Respondent shall submit a compliance plan to EPA that outlines a schedule, to be completed within ninety (90) days of receipt of this ORDER, for securing the elimination of all sanitary wastewater discharges from the Development's SWCS and holding tank into waters of the United States and for the preventive maintenance program to be implemented at the Development's SWCS.
30. **That within one hundred twenty (120) calendar days of receipt of this ORDER,** Respondent shall submit to EPA a cost report detailing the expenses incurred by Respondent to comply with the Provisions of this ORDER and the Request for Information. The cost report must include, but not be limited to, copies of purchased orders, receipts and payments.
31. **Respondent shall submit to EPA Status Reports every month,** beginning the next month following the receipt of the ORDER, on the 15<sup>th</sup> day of that month, until this ORDER is no longer effective or until full compliance with this ORDER has been achieved and EPA notifies Respondent that submissions are no longer required. The report must include the actions taken, including a cost report detailing the expenses incurred, as of the date of the Status Report concerning the milestones and activities performed towards meeting the Provisions of this ORDER. The first Status Report is due on August 16, 2013.

## VI. ORDERED PROVISIONS

In consideration of the above FINDINGS and pursuant to the authority of Sections 308 and 309 of the Act, 33 U.S.C. §§ 1318 and 1319, EPA has determined that compliance with the following requirements is reasonable.

### IT IS HEREBY ORDERED:

32. **That immediately upon receipt of the originals of this ORDER,** BAPI's authorized representative shall complete the acknowledgment of receipt on one of the originals of the ORDER and return said original to the Chief, Multimedia Permits and Compliance Branch, Caribbean Environmental Protection Division, at the address specified paragraph 36, below.
33. **That immediately upon receipt of this ORDER,** BAPI shall submit a certification stating that the discharges of pollutants from the Development's sanitary wastewater collection system and holding tank into the Unnamed Creek and/or waters of the United States has ceased as of the date of receipt of this ORDER. The certification shall be submitted to the Chief of the Multimedia Permits and Compliance Branch, Caribbean

Environmental Protection Division, EPA, by no later than five (5) calendar days from the date of receipt of this ORDER.

34. **That immediately upon receipt of this ORDER,** Respondent shall implement a preventive maintenance program for its sanitary wastewater collection system. This program must include daily verification of the operation of the pumps station and holding tank, a schedule for the periodic cleaning of the sewage collection pipes and the sewage pump station pit. All of the maintenance work and other efforts related to the sanitary wastewater collection system must be properly documented. All of the documentation must be available at the Development.
35. Any questions concerning this ORDER should be directed to Engineer Héctor Ortiz, Multimedia Permits and Compliance Branch, Caribbean Environmental Protection Division at (787) 977-5883.
36. All information required to be submitted under this ORDER shall be sent by registered mail (or its equivalent) to the following addresses:

Director, Water Quality Area  
Environmental Quality Board  
P.O. Box 11488  
San Juan, Puerto Rico 00910;

and

Chief, Multimedia Permits and Compliance Branch  
Caribbean Environmental Protection Division  
U.S. Environmental Protection Agency, Region 2  
City View Plaza II, Suite 7000  
48 RD. 165 Km. 1.2  
Guaynabo, PR 00968-8069.

## VII. GENERAL PROVISIONS

37. Any documents to be submitted by BAPI as part of this Order shall be sent by certified mail or its equivalent and shall be signed by an authorized representative of the respective entity (see 40 C.F.R. § 122.22), and shall include the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is,



to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

38. BAPI shall have the opportunity, for a period of ten (10) calendar days from the effective date of this Order, to confer, regarding the Ordered provisions, with the following designated Agency representative: Eng. Héctor D. Ortiz, Environmental Engineer, located at City View Plaza II – Suite 7000, 48 RD 165, Km 1.2, Guaynabo, Puerto Rico, with phone number 787-977-5883, and email [ortiz.hector@epa.gov](mailto:ortiz.hector@epa.gov).
39. BAPI has the right to seek immediate federal judicial review of the Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706. Section 706, which is set forth at <http://uscode.house.gov/download/pls/05C7.txt> provides the grounds for such review.
40. This Order does not constitute a waiver from compliance with, or a modification of, the effective terms and conditions of the CWA, its implementing regulations, or any applicable permit, which remain in full force and effect. This Order is an enforcement action taken by EPA to ensure swift compliance with the CWA. Issuance of this Order shall not be deemed an election by EPA to forego any civil or criminal actions for penalties, fines, imprisonment, or other appropriate relief under the CWA.
41. Notice is hereby given that failure to comply with the terms of the CWA Section 309(a)(3) Compliance Order may result in your liability for civil penalties for each violation of up to \$37,500.00 per day under Section 309(d) of the CWA, 33 U.S.C. § 1319(d), as modified by 40 C.F.R. Part 19. Upon suit by EPA, the United States District Court may impose such penalties if the Court determines that you have violated the CWA as described above and failed to comply with the terms of the Compliance Order. The District Court has the authority to impose separate civil penalties for any violations of the CWA and for any violations of the Compliance Order.
42. Notice is hereby given that failure to comply with the requirements of the CWA Section 308 Information Request may result in your liability for civil penalties for each violation of up to \$37,500 per day under Section 309(d) of the CWA, as modified by 40 C.F.R. Part 19. Upon suit by EPA, the United States District Court may impose such penalties if the Court determines that you have failed to comply with the terms of the Information Request. You may also be subject to administrative remedies for a failure to comply with the Information Request as provided by Section 309 of the CWA.

43. If any provision of this Order is held by a court of competent jurisdiction to be invalid, any surviving provisions shall remain in full force and effect.
44. This Order shall become effective upon the date of execution by the Director, Caribbean Environmental Protection Division.

Dated: 7-24-13

Signed: 

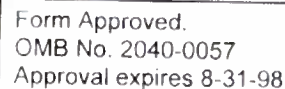
**José C. Font**

Director

Caribbean Environmental Protection Division  
Environmental Protection Agency, Region 2

Attachment 1 – Inspection Report



[illegible]

<b>X</b>	Yes		No
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Inspection Results During Inspection (Check only those areas evaluated)							
	Permit		Flow Measurement		Operations & Maintenance	X	CSO/SSO (Sewer Overflow)
	Records/Reports		Self-Monitoring Program		Sludge Handling/Disposal		Pollution Prevention
	Facility Site Review		Compliance Schedules		Pretreatment		Multimedia
X	Effluent/Receiving Water		Laboratory		Storm Water	X	Other: Pump Station

## Date \_\_\_\_\_

**Reconnaissance Inspection**

**Water Compliance Inspection Report Form  
(EPA Form 3560-3)  
Summary of Findings/Comments**

Facility Name: Valley View Park Development Sanitary Wastewater  
Collection System

Facility Owner: Fernando Fernández, Project Owner  
Bayamón Acquisition Properties, Inc.

Location: Road # 796 Int., Km 1.6  
Guasabara Sector, Bairoa Ward  
Caguas  
Puerto Rico 00725

NPDES Tracking Number: PRU002779

Bayamón Acquisition  
Properties Inc.  
Representative(s)  
No present during the  
Inspection:

Mr. Fernando Fernández  
Tel: 787-250-0000

EPA Representatives: Eng. Héctor Ortiz

PRASA Representatives: Sheila Rivera, Compliance Specialist  
Miguel Rivera, Equipment Maintenance Supervisor

**I. Background**

This Supplement to the Water Compliance Inspection Report Form (Supplement) is prepared to include all findings and comments concerning the Reconnaissance Inspection (RI) conducted by the environmental engineer and enforcement officer, Héctor D. Ortiz, of the United States Environmental Protection Agency, Region 2, during the sanitary sewer collection system inspection at the above referenced development on Tuesday, June 11, 2013.

The purpose of the RI was to investigate a citizen complaint about sanitary wastewater discharges from Valley View Park Development into an Unnamed Creek.

The RI was performed during dry weather. The RI consisted of citizens' interview to gather information regarding the sanitary wastewater discharges, Development walkthrough to evaluate the Sanitary Wastewater Collection System (SWWCS) which includes a sanitary wastewater pump station, a holding tank area, and an unfinished wastewater treatment plant (WWTP).

## **II. General Information**

Valley View Park (VVP) and Valley View Village (VVV) Developments are owned by Bayamón Acquisition Properties, Inc. (BAPI). BAPI is a corporation duly organized under the laws of the Commonwealth of Puerto Rico with register number 144976. BAPI's address is RR 91892, San Juan, Puerto Rico 00926. The contact person for BAPI is Mr. Fernando Fernández, President of BAPI. The telephone number for BAPI is 787-250-0000.

VVP and VVV are located at State Road 796 Int., Km. 1.6, Bairoa Ward, Caguas, Puerto Rico, 00725. VVP Development has 12 houses constructed; all of them were sold and delivered during the period of December 2010 to January 2012. VVV Development is adjoining to VVP Development, and has 44 houses unfinished.

### With Respect to Valley View Park Development

The Development started the construction activities approximately on March 08, 2008, as stated in the Notice of Intent, PRR10BH25 submitted to EPA. The size of the construction project was 11.00 acres. The first house was approximately sold on December 21, 2010. See Photos # 1, # 7 and # 8 in Attachment I which depicts an overview of the Development.

### With Respect to the Sanitary Wastewater Collection System

The sanitary wastewater generated at the VVP Development is collected in the SWWCS. The Development has an underground pump station which pumps the sanitary wastewaters into a temporary holding tank located at Street S at VVV Development. See Photos # 10 through # 13 in Attachment I.

After finishing and delivering all the houses of VVV Development, both developments will use the same SWWCS to collect the sanitary wastewater and treat them in a proposed 10,000 gallon WWTP, which eventually will discharge to the grounds using a Drip Irrigation System. The WWTP and the Drip Irrigation System are under construction.

## **III. Reconnaissance Inspection Findings**

### With Respect to the Citizen Complaint

The citizens alleged that sanitary wastewaters from the VVP has been accumulating in a holding tank which was causing spills of its content of raw sewage in the ground and percolating into an adjoining creek, tributary of Carraízo River, which discharges into the Loiza River, which ultimately discharges into the Atlantic Ocean. See Photos # 2 through # 6 in the Attachment I. The Carraízo River, the Loiza River, and the Atlantic Ocean are waters of the United States. See Attachment II, VVP Development and waters of the United States impacted by the sewage discharges. The citizens also alleged the presence of sanitary wastewater odors and foul odors every day in the accumulation area. In addition, the citizens have observed sanitary sewer overflows at the development entrance. According to the residents, these incidents have been happening since the first house was sold on December 21, 2010 to the present, more than two and a half (2 1/2) years.

With Respect to EPA's RI

EPA conducted a Reconnaissance Inspection (RI) at the VVP Development's SWWCS on June 11, 2013 and found the following.

1. EPA observed a sanitary wastewater spill at the manhole located at VVP Development's entrance. See Photos # 2 through # 6 in the Attachment I.
2. EPA found sanitary wastewater debris at the Development's entrance manhole. EPA followed the sanitary wastewater debris from the development entrance's sanitary manhole to a nearby storm water ditch which discharges into a nearby Unnamed Creek. See Photos #17 and #18 in the Attachment I.
3. There is no sanitary sewer connection to the Puerto Rico Aqueduct and Sewer Authority (PRASA) from the developments. This information was provided by a citizen and also confirmed by the PRASA's personnel present during the RI.
4. A sanitary wastewater holding tank is located at Street S of VVP Development. The holding tank is part of the VVP SWWCS. The holding container accumulates 10,000 gallons. See Photo # 11 in the Attachment I.
5. EPA estimates that 4,200 gallons of sanitary wastewater are being discharged per day from the 12 houses.
6. EPA observed the holding tank leaking sanitary wastewater onto the grounds. See Photos # 11 thru # 13 in the Attachment I.
7. EPA observed continuous spills of raw sewage onto the ground. See Photo #11, # 13, and # 14 in the Attachment I.




8. EPA observed sanitary wastewater leaking from the holding tank into a ditch, and the ground which discharges into a nearby Unnamed Creek. See Photos # 13, # 14, # 17, and # 19 in the Attachment I.
9. The citizens alleged that no maintenance has been done to the holding tank since they moved to the development on December 2010. They have not seen the holding tank moved from the development since they moved to the development on December 2010.

#### IV. Conclusion

Based upon the findings noted above and my professional judgment, I recommend that EPA issue an enforcement action to bring the owner of the developments into compliance with the NPDES water regulations and the Clean Water Act.

Prepared by:

  
Eng. Héctor D. Ortiz  
Environmental Engineer

07/23/2011  
Date

#### ATTACHMENTS

- I. Photo-Documentation
- II. Development Location, and the Waters of the United States Location Map Impacted by the Sewage Discharges



**ATTACHMENT I**  
**PHOTO DOCUMENTATION**  
**JUNE 11, 2013**

Photo 1: Valley View Park Signboard.



Phot 2: View of the underground pump station.

Photo 3: View of the manhole located at State Road 796 with sewage nature debris.





Photo 4: View of the slope at State Road # 796 from Valley View Park Development. The storm water ditch is discharged into an unnamed creek nearby.



Photo 5: The sanitary wastewater spill reached an unnamed creek nearby.

Photo 6: Other view of the unnamed creek.



Photo 7: View of Valley View Park Development's residences. Note the steep slope.



Photo # 8: View of Valley View Village Development.

Photo 9: View of a signboard located at the sale office at Valley View Village Development.





Photo 10: View of Saniplant's wastewater holding tank.



Photo 11: A close up of the holding tank with sanitary wastewater leaking from different points.

Photo 12: The holding tank was leaking sanitary wastewater from the bottom.





Photo 13: The photo depicts sanitary wastewater mixed with storm water accumulated in a pond.



Photo 14: Other view of the sanitary wastewater mixed with storm water accumulated at a small pond.

Photo 15: A concrete container was found nearby the holding tank.





Photo 16: View of Valley View Village Development unfinished.



Photo 17: A storm water drain was found at the slope nearby the holding tank.

Photo 18: Algae growth was observed at the slope nearby the holding tank.



Photo 19: A concrete house under construction was found upward the hoding tank.

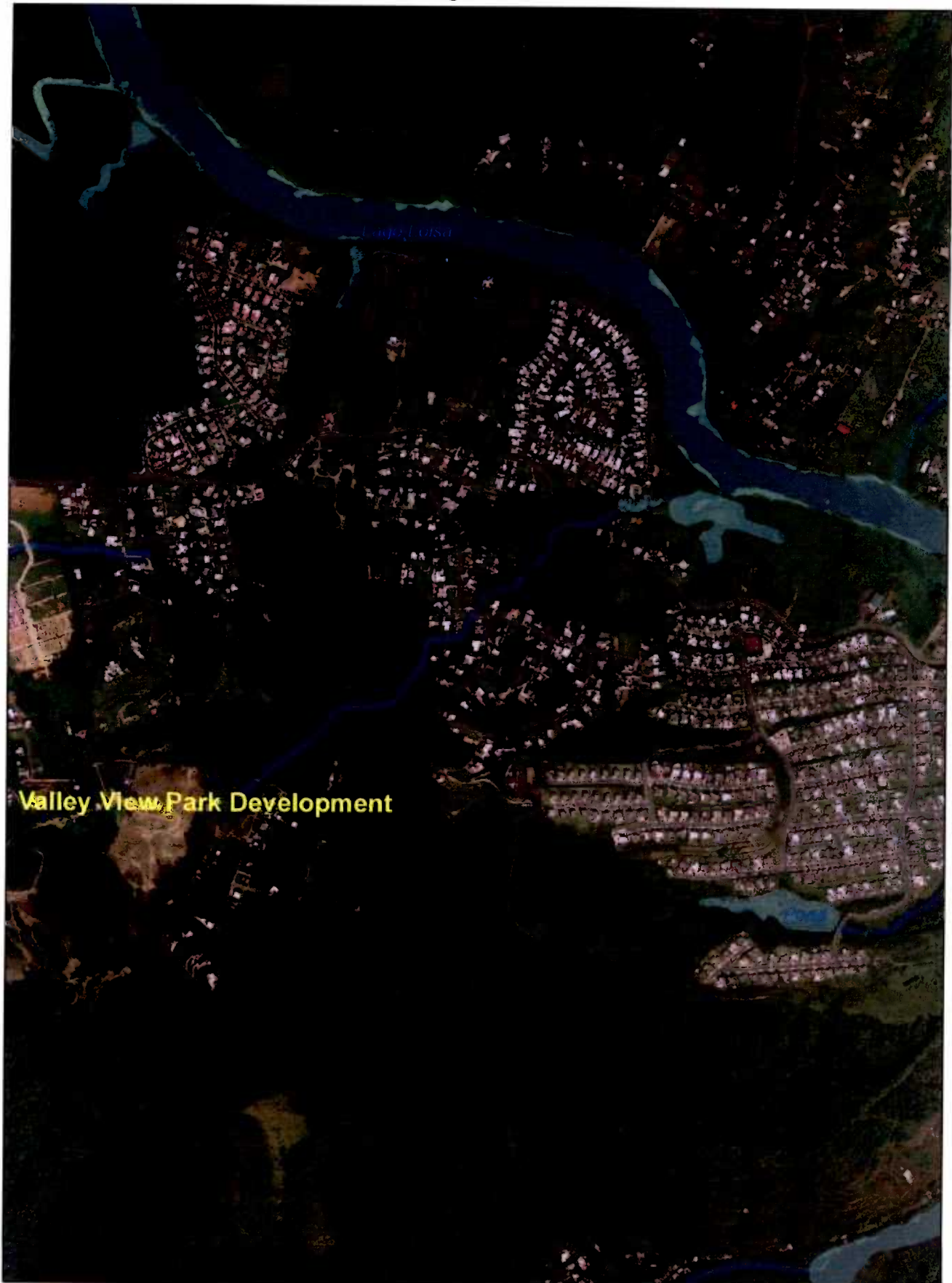


Photo 20: View of the unnamed creek at the side of the holding tank.

**ATTACHMENT II  
DEVELOPMENTS LOCATION  
AND WATERS OF THE UNITED STATES  
IMPACTED BY THE SEWAGE DISCHARGES**



# Valley View Park Development with the Unnamed Creek Flowing to Loiza River



Valley View Park Development

N

0 187.5 375 750 Meters